

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 19-20107

Honorable Thomas L. Ludington

RONALD ARTHUR POLK,

Defendant.

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**ORDER DIRECTING A RESPONSE FROM PLAINTIFF**

On September 16, 2019, a federal jury convicted Defendant Ronald Arthur Polk of possessing and accessing with intent to view child pornography involving a prepubescent minor or a minor who had not attained 12 years of age, between on or about August 6, 2013, and on or about August 23, 2018. ECF No. 58. The Court entered judgment against Defendant on December 20, 2020, sentencing him to 240 months imprisonment with restitution to be determined. ECF No. 64. On April 23, 2020, after supplemental briefing from the parties, the Court entered an amended judgement finding that Defendant owed no restitution. ECF No. 74. On May 4, 2020, Defendant filed a notice of appeal from the amended judgment. ECF No. 77. On June 25, 2019, Defendant moved this Court for compassionate release based on the COVID-19 pandemic. ECF No. 81

Under the Eastern District of Michigan Local Rules, a response to a nondispositive motion must be filed within 14 days of service of the motion. L.R. 7.1(e)(2). However, as of August 20, 2020, no response has been received. The Court recognizes that “[a] pending appeal that involves a defendant’s sentence deprives a district court of jurisdiction to rule on the defendant’s motion for compassionate release.” *United States v. Walls*, No. 92-CR-80236, 2020 WL 1934963, at \*2

(E.D. Mich. Apr. 22, 2020). Regardless, the Government should respond to Defendant's motion so that the Court may rule on the motion in a timely fashion upon remand, if necessary.

Accordingly, it is **ORDERED** that the Government is **DIRECTED** to respond to Defendant's motion for compassionate release, ECF No. 81, on or before **August 27, 2020**.

Dated: August 20, 2020

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Arthur Polk, 57302-039, at Clare County Jail, 255 Main Street, Harrison, MI 48625 first class U.S. mail on August 20, 2020.

s/Suzanne Gammon  
SUZANNE GAMMON